

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, February 1, 2000

Division One

A083896 -- The People v. Antoine Maurice Brown.

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J.
(Certified for Partial Publication.)

Division Two

**A089071 -- Connie C., The Superior Court of Napa County; Napa
County Department of Social Services, R.P.I.**

The petition is denied on the merits (Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888 [subsequent challenge by appeal barred]; § 366.26, subd. (l)(1)), and the temporary stay heretofore issued is lifted. Given the need to hold the .26 hearing without further delay, our decision is final as to this court immediately (rule 24(d)). Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A085963 -- The People v. Billy Ray Landers.

The judgment is affirmed as modified and remanded with directions.
Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A083523 -- City and County of San Francisco v. Remberto Sainez et al.

The judgment is modified to reflect a Housing Code violation for 663 days, with a penalty of \$663,000, and Building Code violations for 530 days, with an unstayed penalty of \$3,300. As so modified, and in all other respects, the judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Certified for Publication.)

Tuesday, February 1, 2000 (continued)

A088282 -- In re Mary A. et al., Persons Coming Under the Juvenile Court Law.

The appeal is dismissed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Five

A086655 -- The People v. Wayne Ceballos Hoffman.

The order of the trial court is affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Tuesday, February 1, 2000

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Swager, J., and Marchiano, J.; N. Millner, Deputy Clerk; and CHP Officer L. Thomas, Bailiff.

A084897 Paula Ruisi, et al.,
v.
Charles Christopher Thieriot.
Cause called and argued by Richard M. Bryan, counsel for appellants, and Paige L. Wickland, counsel for respondent. Cause ordered submitted.

A087276 Superior National Insurance Group,
v.
Workers' Compensation Appeals Board;
Bruce Fillman.
Cause called and argued by C. Kempton Letts, counsel for appellant, and Lawrence Eitzen, via teleconference, counsel for respondent Fillman. Cause ordered submitted.

At this point in the proceedings, Presiding Justice Strankman left the bench and Justice Stein joined the bench. Justice Stein presided over the remainder of the morning calendar.

A086142 Marc Kasky,
v.
Nike, Inc., et al.
Cause called and argued by Paul R. Hoeber, counsel for appellant, and Robert P. Varian, counsel for respondents. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Tuesday, February 1, 2000

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., Swager, J., and Marchiano, J.; B. Robbins, Deputy Clerk; and CHP Officer G. Baarts, Bailiff. Justice Marchiano did not participate in the argument of the first case.

A085187 Prentis Cobb Hale, III,
 v.
 Denise Hale, et al.
Cause called and argued by Hillel Chodos, counsel for appellant, and Albert J. Boro, Jr., counsel for respondents. Cause ordered submitted.

At this point in the proceedings, Justice Swager left the bench. Justice Marchiano participated in the remainder of the afternoon calendar.

A085219 William Hamilton, et al.,
 v.
 Maryland Casualty Company.
Cause called and argued by Jonathan Margolis, counsel for appellant, and Michael Rubin, counsel for respondents. Cause ordered submitted.

A086197 Rivendell II, Ltd.,
 v.
 Carl Holvick Company.
Cause called and argued by Joan Wolff, counsel for appellant, and Janette G. Leonidou, counsel for respondent. Cause ordered submitted.

Court adjourned.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, February 2, 2000

Division One

A087559 -- In re Jose P., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

A087358 -- In re Thomas W., a Person Coming Under the Juvenile Court Law.

The order adjudicating appellant a continued ward of the court and staying a commitment to CYA on the condition that appellant complete the program at Fouts Springs Boys Ranch is affirmed. Swager, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Division Five

A085419 -- The People v. Rodolfo Mendez Cato.

The judgment is affirmed. Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

A085304 -- The People v. Edward Joseph Dahm.

A087818 -- In re Edward Joseph Dahm on Habeas Corpus.

The judgment is affirmed. The petition for habeas corpus is denied. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

A085429 -- The People v. Johnny Cooper.

The judgment is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J.
(Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, February 3, 2000

Division One

A086961 -- The People v. Darnell Tate.

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

A087937 -- The People v. Ashok Dharw Yadav.

The judgment is affirmed. Marchiano, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

A086691 -- The People v. Richard Lee Beaver.

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

A087028 -- The People v. Ronald Gerd Nailor.

The trial court did not err in denying the motion to suppress. We affirm the judgment Strankman, P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

Division Three

A083424 -- The People v. Anthony Luquan Gaines.

Appellant's convictions for carjacking and evading a peace officer are affirmed. The prior prison term finding as to the 1989 possession-related conviction is reversed. In all other respects, the judgment is affirmed. This matter is remanded to the trial court for a new trial on the 1989 prior prison term allegation. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Thursday, February 3, 2000 (continued)

Division Four

A085760 -- In re K.R., a Person Coming Under the Juvenile Court Law.

The orders denying appellant's section 388 motion and terminating her parental rights are affirmed. Hanlon, P.J. We Concur: Poché J., Sepulveda, J.
(Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, February 4, 2000

Division One

A085187 -- Prentis Cobb Hale III v. Denise Hale et al.

The judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

A087211 -- The People v. Troy Gordon.

The judgment is affirmed. Swager, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Division Two

A084705 -- Jason Zachos v. City of Daly City et al.

The judgment is affirmed. Zachos is to pay costs. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Four

A084754 -- The People v. Marshall Ray Prosser, Jr.

For all the foregoing reasons the judgment of the trial court, including the sentence imposed, is affirmed. The matter is remanded with directions to the trial court to amend the abstract of judgment to reflect the correct statutory authority for the three-year enhancement ordered pursuant to section 11370.2, subdivision (a). The trial court is further directed to forward a copy of the abstract, as thus amended, to the Department of Corrections. Sepulveda, J. We Concur: Poché Acting P.J., Reardon, J. (Not for Publication.)

Friday, February 4, 2000 (continued)

A086712 -- The People v. Adrian Adams.

For all the foregoing reasons, the order of April 7, 1999, is reversed insofar as it requires appellant to stay away from the 8000 block of Plymouth Street in Oakland. The cause is remanded for further proceedings consistent with this opinion. Sepulveda, J. We Concur: Poché Acting P.J., Reardon, J. (Not for Publication.)

Division Five

A086415 -- The People v. Russell Sturns.

Sturns' application for relief from default is denied. Sturns' request for an extension of time to file his opening brief is granted in part. Sturns may file an opening brief on noncertificate issues within 30 days from the date of this opinion. Sturns' request for an extension of time is denied in all other respects. This extension of time does not constitute an evaluation of the appropriateness of bringing any or all of the noncertificate issues that Sturns may raise. Jones, P.J. I concur: Stevens, J. (SEE CONCURRING and DISSENTING OPINION of Haning, J.) (Certified for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, February 7, 2000

Division One

A087695 -- The People v. Derick Nabota Robinson.

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

A084626 -- Coalition for Healthy and Humane Business Practices v. Never Ending Quails et al.

The judgment is affirmed. Swager, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

A089235 -- In re Tyshuan B., (minor).

By the Court: On the court's own motion the above-captioned appeal is hereby dismissed. All documents in this appeal are to be renumbered and refiled in appeal number A086848. Stein, Acting P.J.

Division Three

A078714 -- The People v. Noel Ralph Sambrana.

(Order Modifying Opinion and Denying Rehearing; Change in Judgment.)
The Court: It is ordered that the opinion filed herein on January 14, 2000, be modified in the following particulars: (SEE ORDER) Respondent's petition for rehearing is denied. This modification changes the judgment. McGuiness, P.J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, February 8, 2000

Division Two

A085959 -- The People v. Kenneth Allan Benford.

The judgment is reversed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J.
(Not for Publication.)

A087586 -- In re Arthur R., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J.
(Not for Publication.)

A081498 -- The People v. Eric Ayran Umali.

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Lambden, J.
(Not for Publication.)

A085626 -- The People v. Lillian Mae Rasmussen.

The judgment is modified as follows: The six-month consecutive sentence in E93364 is vacated and the trial court's order imposing \$130 in attorney fees in CR984898 is stricken. In all other respects the judgments are affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Four

A086016 -- In re Adam R., a Person Coming Under the Juvenile Court Law.

The order is affirmed. Hanlon, P.J. Poché J., Reardon, J. (Not for Publication.)

Tuesday, February 8, 2000 (continued)

A081424 -- The People v. Felix Hightower.

Order Modifying Opinion [No Change in Judgment] The Court: It is ordered that the opinion filed herein on January 28, 2000, be modified as follows: (SEE ORDER) This modification does not effect a change in the judgment. Sepulveda, J., Reardon, J. (SEE DISSENTING OPINION of Poché Acting P.J.)

Division Five

A073839 -- Mark D. Greenberg, et al., v. State Bar of California, et al.

By the Court: On the court's own motion, the written opinion which was filed January 26, 2000, has now been certified for publication pursuant to Rule 976(b) of the California Rules of Court, and it is therefore ordered that it be published in the official reports. Jones, P.J.

A086438 -- Gretchen R. Belli v. Robert S. Stack.

We reverse the judgment. Each party to bear their own costs. Jones, P.J. I concur: Haning, J. (SEE CONCURRING OPINION of Stevens, J.) (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, February 8, 2000

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., Poche, J. and Sepulveda, J.; Channing Hoo, Deputy Clerk; Shaun Hoover, Bailiff.

A082187 People
 v.
 James Anthony Clem
Appellant requested oral argument, but waived it before the hearing.

A080948 Steven Killough
 v.
 CCSF
Cause called. Ellen Mendelson argued for appellant Killough. Douglas Barton argued for respondent. Letter briefs by 5 pm, 2-18-2000, at which time the cause will be submitted.

A085423 People
 v.
 Kathleen Louise Montgomery
Cause called. David Krueger teleargued for appellant Montgomery. William Kuimelis argued for respondent. Cause submitted.

At this point, the court reconstituted itself to include Hanlon, P.J., Poche, J. and Reardon, J.

A083211 Kay-Yew Koh
 v.
 Inno-Pacific Holdings, Ltd.
Cause called. Adam R. Bernstein argued for appellant Koh. Gary Alexander argued for respondent. Cause submitted.

A084452 People v. Robert Michael Benson
A086550 In re Robert Michael Benson on Habeas Corpus
Causes called. Janice Brickley argued for appellant/petitioner Benson.
Lisa Ashley Ott argued for respondent. Causes submitted.

The Court adjourned at 11:01 a.m. in memory of Retired Judge Ira A.
Brown of the San Francisco Superior Court.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, February 9, 2000

Division One

**A084913 -- Jose Marenco v. Donald Levine, Individually and as
Trustee, etc.**

The judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J.,
Marchiano, J. (Not for Publication.)

A085541 -- Bruce Glass et al., v. Reza Najafi et al.

The judgment is affirmed. Swager, J. We Concur: Strankman, P.J., Stein,
J. (Certified for Publication.)

**A080976; A081325; A081539; A084814; A084822 -- Camille Begnal, et
al., v. Canfield & Associates, Inc.**

A082259 -- Jeannie McKenzie v. Canfield & Associates, Inc.

The judgment in favor of Begnal, Ebey and Suerth is affirmed. With
respect to McKenzie, we reverse the judgment, and remand with directions to enter
a new judgment in McKenzie's favor in accordance with the jury's verdict. Costs
to Begnal, Ebey and Suerth in Canfield's appeal. Costs to McKenzie in her
appeal. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Certified for
Partial Publication.)

**A087276 -- Superior National Insurance Group v. Workers'
Compensation Appeals Board and Bruce Fillman.**

That portion of the Board's decision which incorporated the decision of the
WCJ ordering payment to Dr. Koopmans and assessing a penalty on all medical
treatment is reversed. The parties are to bear their own costs. Swager, J. We
Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Wednesday, February 9, 2000 (continued)

Division Five

A087123 -- Insurance Commissioner of the State of California v. Golden Eagle Insurance Company; Joseph Soloman Sales, Inc., et al.

Appeal is dismissed. Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

A085938 -- Dora Rafailov v. Unemployment Insurance Appeals Board.

We affirm the judgment. Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

A083722 -- The People v. Scott Emerson Felix.

Appellant's commitment as an SVP is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, February 10, 2000

Division One

A089289 -- In re Cassie P., a Person Coming Under the Juvenile Court Law.

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The section 366.26 hearing is set for February 16, 2000. Therefore, our decision is final in this court immediately. Marchiano, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

Division Two

A085532, 85533 -- In re Peter G., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A089431 -- In re Rickey R., Jr. et al., Persons Coming Under the Juvenile Court Law.

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888.) Petitioner is barred in any subsequent appeal from making further challenges to the order terminating reunification services and setting a hearing under section 366.26. (See § 366.26, subd. (b)(1)(2).) Since the permanency planning hearing is set for March 7, 2000, this opinion is final as to this court forthwith. (Rule 24(d).) Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Thursday, February 10, 2000 (continued)

Division Three

A087061 -- The People v. Alvaro Garfias Cazares.

Order Modifying Opinion [No Change in Judgment] By the Court: The opinion filed January 12, 2000, is hereby modified as follows. On page 2, the signature for the authoring justice is changed to Corrigan, Acting P.J. There is no change in the judgment. McGuiness, P.J.

A089294 -- Bernita Medlock v. The Superior Court of San Francisco County; San Francisco Department of Human Resources, R.P.I.

The petition is denied. Parrilli, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

A086054 -- The People v. James Russell Gordon.

Affirmed. Walker, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Division Four

A085422 -- The People v. Lafayette Turner.

Order Modifying Opinion and Denying Rehearing. By the Court: The opinion filed herein on January 20, 2000 is modified By the Court: inserting the following paragraph immediately prior to the disposition on page 5: (SEE ORDER) This modification does not effect a change in the judgment. The petition for rehearing is denied. Hanlon, P.J.

A087149 -- The People v. Michael Tony Gallardo.

A088030 -- In re David Lopez, on Habeas Corpus.

A088200 -- The People v. Hector Mora.

Order Modifying Opinion. By the Court: This court's opinion filed January 25, 2000, in the above-captioned matter is hereby modified as follows: (SEE ORDER) This modification does not effect a change in the judgment. Hanlon, P.J. (Certified for Publication.)

Thursday, February 10, 2000 (continued)

Division Five

A086110 -- The McGraw Group of Affiliated Companies v. Mark Culhane.

The judgment is reversed. Costs are awarded to appellant. Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

A087414 -- Corey Schmidt, as Trustee, etc., v. Kathleen Dudgeon.

The judgment is reversed. Costs to appellant. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

A084206 -- The People v. Steven James Launer.

We affirm the judgment Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, February 14, 2000

Division One

A085781 -- The People v. Derrick Pittman.

The conviction for possession of cocaine for sale on the third count is reversed. In all other respects, the judgment is affirmed. Swager, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

A086080 -- The People v. John Anthony Rodgers.

The judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

A087019 -- The People v. James William Piedalue.

The order is affirmed. Strankman, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

Division Two

**A089540 -- Angerlo J., v. The Superior Court of Alameda County;
Alameda County Department of Social Services, R.P.I.**

The petition for extraordinary writ is denied on the merits. Since the permanency planning hearing is presently set for April 14, 2000, our decision on the writ petition is final as to this court immediately. (Rule 24(d).) Kline, P.J. We Concur: Haerle, J., Ruvolo, J. (Not for Publication.)

A087410 -- David Shore v. William Ellis, M.D., et al.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Monday, February 14, 2000 (continued)

Division Three

A089479 -- Yvonne M., v. The Superior Court of Solano County; Solano County Social Services Agency, R.P.I.

We hold that the record before the juvenile court provides clear and convincing evidence that reasonable services were offered to the petitioner and that she failed to participate regularly in and make substantial progress in the court-ordered treatment plan. The record fully supports the court's holding terminating those services and setting the matter for a permanent plan hearing. The petition is denied. Walker, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Division Five

A087647 -- Aeromedical Group, Inc., v. Aircraft Sales of California, Inc.

The order is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

A084773 -- The People v. Aaron Joseph Perry.

The judgment is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, February 15, 2000

Division Two

A087906 -- The People v. Clifford Phillip Ortega.

The order revoking probation and imposing appellant's previously suspended prison sentence is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A087759 -- In re Serenity E., a Person Coming Under the Juvenile Court Law.

This appeal is dismissed without reaching its merits for lack of appellate jurisdiction. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A087769 -- In re Lindsay L., a Person Coming Under the Juvenile Court Law.

The appeal is dismissed, without reaching the merits, for lack of appellate jurisdiction. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A087176 -- In re Curtis C., a Person Coming Under the Juvenile Court Law.

The order is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Tuesday February 15, 2000 (continued)

A084782 -- The People v. Janet Kay LeClair.

By the Court: The petition for rehearing is denied. McGuinness, P.J.

A086779 -- David Stocker v. Travelers Casualty and Surety Company.

The judgment is affirmed. Travelers shall recover its costs on appeal.
McGuinness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Division Four

A084452 -- The People v. Robert Michael Benson.

A086550 -- In re Robert Michael Benson on Habeas Corpus.

The judgment is affirmed (No. A084452). The petition for writ of habeas corpus is denied. Reardon, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

A083984 -- The People v. Ernesto Hernandez.

The judgment of conviction is affirmed. Poché J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Tuesday, February 15, 2000

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P. J., Haerle, J., Lambden, J., and S. Graham, Deputy Clerk.

- A084848 Ronald L. King, et al.
 v.
 Wilfred O'Neill
Cause called and argued by Samuel L. Holmes, counsel for appellants and Benjamin K. Riley, counsel for respondent. Cause ordered submitted.
- A089244 Glen C.
 v.
 Superior Court, County of Alameda
 Social Services Agency
Cause called and argued by Elaine J. Harrison, counsel for petitioner and Anthony Scarr, Deputy County Counsel, counsel for real party in interest. Cause ordered submitted.
- A083710 Greg Herman
A084297 v.
 Sabina Pelta, et al.
Causes called and argued by Jo Lynn Lamberg and Daniel Berko, counsel for appellant and Samuel Meredith, counsel for respondents. Causes ordered submitted.
- A081504 Pacific States Aviation, Inc.
A080771 v.
 Simon Motors, Inc., et al.
Causes called and argued by William E. Manning, counsel for appellant and Daniel C. Payne, counsel for respondents. Causes ordered submitted.
- A081674 The People

v.

Yvonne Lucille Eldridge

Cause called and argued by Raymond Cardozo, Deputy Attorney General, counsel for appellant and Zenia Gilg, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened in its courtroom at 1:30 p.m. Present: Kline, P.J., Haerle, J., Ruvolo, J., and I. Santos, Deputy Clerk.

A084391 Christy A. Lawson et al.

v.

City of Fremont.

Cause called and argued by Richard Bruce Finch, counsel for appellants, and Peter Edrington, counsel for respondent. Cause ordered submitted.

A083547 Cause called and argued by Stuart MacKenzie, counsel for appellant, and Charles Louderback, counsel for respondent. Cause ordered submitted.

A085136 G.L. Mezzetta, Inc.,

v.

City of American Canyon.

Cause called and argued by Donald Drummond, counsel for appellant, and Barbara Higgins, counsel for respondent. Cause ordered submitted.

At this point of the proceedings, Justice Ruvolo left the bench and Justice Lambden joined the bench for the remainder of the proceedings.

A085426 The People,

v.

Nayamka Jackson.

Cause called and argued by Stephen Bedrick, counsel for appellant, and Martin S. Kaye, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A086023 Richard E. Thomas,

v.

Cathy Magar et al.

Cause called and argued by Steven McCarthy, counsel for appellant, and

Robert Perkiss, counsel for respondent. Cause ordered submitted.
Court adjourned.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, February 16, 2000

Division One

A088896 -- Izear McDaniel, et al., v. World Savings and Loan Association.

By the Court: Appellant having failed to file a brief after notice given under rule 17(a) of the California Rules of Court, the appeal is dismissed. Strankman, P.J.

A088019 -- Troy Anthony Rhodes v. Susan Anderson.

The judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Marchiano, J. (Not for Publication.)

Division Three

A083980 -- The People v. Victor Manuel Cordero Valdez.

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

A081290 -- The People v. Keelon T. Jenkins et al.

The judgments are reversed. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, February 17, 2000

Division Two

A084998 -- Paul T. Truehart v. Hydro-Flame Corporation.

Order Modifying Opinion and Denying Rehearing. The Court: It is ordered that the opinion filed herein on January 20, 2000, be modified in the following particulars: (SEE ORDER) Respondent's petition for rehearing is denied. Kline, P.J. (Not for Publication.)

A084862 -- Virginia Fuller v. Regional Center of the East Bay, et al.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Division Four

A082187 -- The People v. James Clem.

The judgment is affirmed. Hanlon, P.J. We Concur: Poché J., Sepulveda, J. (Certified for Publication.)

A084974 -- The People v. Melvin Lee Jackson.

We affirm the order of commitment. Reardon, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

MINUTES

COURT OF APPEAL STATE OF CALIFORNIA FIRST APPELLATE DISTRICT

DIVISION FIVE

Thursday February 17, 2000

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Haning, J., Stevens, J. and Richard H. Sandvik Deputy Clerk.

- A087438 Henry M. Hong et al.,
 v.
 First Alliance Mortgage Company et al.
 Cause called and argued by Sarah Ann Good, counsel for appellant and by
 Philip M. Steinbock, counsel for respondent. Cause ordered submitted.
- A086930 Robert Cole
 v.
 Monika Hudson et al.
 Cause called and argued by Andrea J. Saltzman , counsel for appellant and
 by Tony J. Tanke, counsel for respondent. Cause ordered submitted.
- A086396 George Herron
 v.
 City and County of San Francisco
 Cause called and argued by Lisa Beth Berkowitz, counsel for appellant and
 by James L. Sims, counsel for respondent. Cause ordered submitted.
- A087166 George Herron
 v.
 City and County of San Francisco
 Cause called and argued by Lisa Beth Berkowitz, counsel for appellant and
 by James L. Sims, counsel for respondent. Cause ordered submitted.
- A86146 Patricia Connelly
 v.
 Stanley J. Bell et al.
 Cause called and argued by Mark D. Greenberg, counsel for appellant and

by Janine S. Simerly, counsel for respondent. Cause ordered submitted.

A086407 Gayle Rae Taylor
v.
Park Place Asset Management et al.
Cause called, appearance by Gilda Malek, counsel for respondent, no
appearance by counsel for appellant. Cause ordered submitted.

A087458 Raymond H. Robinson
v.
County of San Mateo
Cause called argument waived by Raymond H. Robinson , appellant in pro
per and by Lee A. Thompson, Deputy County Counsel, counsel for
respondent. Cause ordered submitted.

A087596 Prem Chand
v.
City of Hayward
Cause called and argued by Nancy Hart, counsel for appellant and by Glenn
L. Moss, counsel for respondent. Cause ordered submitted.

A085666 Carmel Lujan
v.
Sequoia Health Services et al.
Cause called and argued by John A. Halley , counsel for appellant, arguing
by telephone, and by Kathleen J. Moorhead, counsel for respondent. Cause
ordered submitted.

A087406 USI Insurance Services Corp. et al.
v.
Fireman's Fund Insurance Company
Cause called and argued by William F. Campbell, counsel for appellant and
by Paul E. Glad, counsel for respondent. Cause ordered submitted.

A086317 Timothy E. Morgan
v.
The Home Insurance Company
Cause called, appearance by Joseph P. Mascovich, counsel for respondent,
no appearance by appellant. Cause ordered submitted.

A084687 Ricardo Garcia Cariaga et al.
v.
Allstate Insurance Company et al.

Cause called and argued by Alvin R. Wohl, counsel for appellant and by Kelly Valen, counsel for respondent. Cause ordered submitted.

A087847 Victor G. Sison
v.
Classic Bowling Center
Cause called and argued by Michael G. Descalso, counsel for appellant and
by Carol A. Atkinson, counsel for respondent. Cause ordered submitted.

A083346 The People
v.
Johnny Earl Anderson
Cause called and argued by Stephen A. Donovan, counsel for appellant and
by Jeffery M. Laurence, Deputy Attorney General, counsel for respondent.
Cause ordered submitted.

A086771 The People
v.
Koffi Edward Thomas
Cause called and argued by Charles B. Holzhauer, counsel for appellant and
by Herbert F. Wilkinson, Deputy Attorney General, counsel for respondent.
Cause ordered submitted.

A081999 The People
v.
Kevin Lee Robinson
Cause called and argued by E. Evans Young, counsel for appellant and by
Allan Yannow, Deputy Attorney General, counsel for respondent. Cause
ordered submitted.

A087009 In Re Kevin Lee Robinson
on Habeas Corpus

Cause called and argued by E. Evans Young, counsel for appellant and by
Allan Yannow, Deputy Attorney General, counsel for respondent. Cause
ordered submitted.

A086995 In Re Kari D., a minor
The People
v.
Kari D.
Curt H.
Cause called and argued by Ozro W. Childs , counsel for appellant arguing
by telephone, and by Ross C. Moody, Deputy Attorney General, counsel for

respondent. Cause ordered submitted.

Court adjourned at 2:05 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, February 18, 2000

Division One

A087140 -- In re Theo F., a Person Coming Under the Juvenile Court Law.

The order is affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

A085314 -- The People v. Antonio Santos Figueiredo.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

A084761 -- The People v. Todd Hogan.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Division Two

A085421 -- The People v. Jose Luis Cigarroa Delgado.

The judgment is reversed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A087480 -- The People v. Thuan Tan Tran.

The order granting probation is reversed, and the case is remanded with directions to place appellant on probation on reasonable conditions that do not include a requirement that he waive credit for time served in jail. In all other respects the judgment is affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Certified for Publication.)

Friday, February 18, 2000 (continued)

Division Four

A086261 -- Milton Lorig et al., v. Medical Board of California et al.

For all the foregoing reasons, the judgment of the trial court is affirmed.
Respondents shall recover their costs on appeal. Sepulveda, J. We Concur:
Hanlon, P.J., Reardon, J. (Certified for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, February 22, 2000

Division Two

A086517 -- Natha M. Smith et al., v. The Superior Court of San Francisco County; St. Mary's Medical Center et al., R.P.I.

Let a peremptory writ of mandate issue directing the San Francisco Superior Court to vacate its order denying petitioners' motion to allege punitive damages as to the second through sixth causes of action, and conduct further proceedings in accordance with the views expressed herein. Costs are awarded to petitioners. Before Kline, P.J.; Haerle, J.; Ruvolo, J. (Not for Publication.)

Division Five

A088084 -- In re Ashley V. et al., Persons Coming Under the Juvenile Court Law.

The order denying de facto parent status is affirmed. Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

A086856 -- Nanci Fisher et al., v. Citibank (South Dakota) N.A. et al.

The judgment of dismissal is affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

A089330 -- In re Mariah H., A Minor Coming Under the Juvenile Court Law.

The motion to augment the record is granted. The request for a stay is denied. The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) Because the section 366.26 hearing is set for March 9, 2000, our decision is final in this court

immediately. (Cal. Rules of Court, rule 24(d).) Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, February 22, 2000

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., Poche, J. and Reardon, J.; Channing Hoo, Deputy Clerk; Tony Tam, Bailiff.

A080020 Credit Lyonnais et al.
 v.
 Luba Troyanovsky et al.
Cause called. Paul Utrecht argued for appellants Lyonnais et al. Nils Rosenquest argued for respondents. Cause submitted.

At this point, the court reconstituted itself to include Hanlon, P.J., Poche, J. and Sepulveda, J.

A084386 East Bay Regional Park District
 v.
 Waste Management of Alameda County, Inc.
Cause called. Adam Babich argued for appellant Waste Management. Brooks Beard argued for respondent. Cause submitted.

A085511 In re Kaylee C.
 Social Services Agency
 v.
 Karl C.
Continued to the March 28, 2000 calendar.

A086942 People
 v.
 Lamont Laceaser Candate
Cause called. Lance Russell argued for appellant Candate. Dorian Jung argued for respondent. Cause submitted.

The Court adjourned at 10:46 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, February 23, 2000

Division One

A086686 -- The People v. George Linsenmeyer.

The trial court is directed to modify the abstract of judgment to describe count two as assault by means of force likely to produce great bodily injury instead of assault with a deadly weapon, and to forward the modified judgment to the Department of Corrections. As modified, the judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Division Four

A082277 -- The People v. Marty Lee Tow.

The judgment, as noted in the amended clerk's minutes, is modified to strike the imposition of attorney fees and to suspend the imposition of sentence on counts 3 and 4. In all other respects, the judgment, as modified, is affirmed. Hanlon, P.J. We Concur: Poché J., Reardon, J. (Not for Publication.)

A085718 -- In re the Marriage of Kristen Lewis and David Brian Lewis.

The order is affirmed. The purported appeal of the order denying the motion for reconsideration is dismissed. The parties are to bear their own costs on this appeal. Hanlon, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A088126 -- The People v. Jammie Dewitt Lee.

Judgment affirmed. Reardon, J. We Concur: Poché Acting P.J., Sepulveda, J. (Not for Publication.)

Wednesday, February 23, 2000 (continued)

Division Five

A085933 -- In re the Marriage of Wendy and Werner E. Lang.

We affirm the order. Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, February 23, 2000

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness, P.J., Corrigan, J., Parrilli, J., Walker, J. and I. Calanoc, Deputy Clerk.

A084825 Ora D. Sanders,
 v.

Terry Louis Carter.

Panel for this case is comprised of Corrigan, J., Parrilli, J. and Walker, J. Cause called and argued by appellant Terry Louis Carter, pro per. Cause ordered submitted.

A081382 Peter Herman, M.D.,
 v.

Medical Board of California

Department of Consumer Affairs.

Panel for this case is comprised of McGuiness, P.J., Corrigan, J., and Parrilli, J. Cause called and argued by Daniel Romano, counsel for appellant; and Mara Faust, counsel for respondents. Cause ordered submitted.

A085980 Gabe Auerbach,
 v.

Ronald J. Palmeri, et al.

Panel for this case is comprised of McGuiness, P.J., Corrigan, J., and Parrilli, J. Cause called and argued by Robert Kahn, counsel for appellant; and Chad Finke, counsel for respondents. Cause ordered submitted.

A084302 Matthew Katz, et al.,
 v.

Nicholas Clainos, et al.

Panel for this case is comprised of McGuiness, P.J., Corrigan, J., and Walker, J. Cause called and argued by Peter Glick, counsel for appellants; and Eric Weaver, Wayne Bender and Jill Silfen, counsel for respondents. Cause ordered submitted.

- A085672 Transworld Systems, Inc.,
v.
County of Sonoma.
Panel for this case is comprised of McGuiness, P.J., Corrigan, J., and Walker, J. Cause called and argued by Daniel Post, counsel for appellant; and Richard Flores, counsel for respondent. Cause ordered submitted.
- A084916 Local 21 of the International
Federation of Professional and
Technical Engineers, AFL-CIO,
v.
Golden Gate Bridge, Highway and
Transportation District, et al.
Panel for this case is comprised of McGuiness, P.J., Parrilli, J. and Walker, J. Cause called and argued by Duane Reno, counsel for appellant; and Allison Woodall, counsel for respondents. Cause ordered submitted.

COURT RECESSED

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, February 24, 2000

Division One

A087484 -- The People v. Vernon Cavers.

The judgment is affirmed. Swager, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

A087265 -- The People v. Raul Hernandez Alvarez.

The judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

Division Two

A089244 -- Glen C., Superior Court, State of California, County of Alameda; Alameda County Social Services Agency, R.P.I.

The petition is denied. Our decision is final as to this court immediately. (Rule 24(d).) Kline, P.J. We Concur: Haerle, J., Lambden, J. (Certified for Publication.)

A086781 -- The People v. Rae L. Shaw.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A088125 -- The People v. Sonny Joseph Anderson.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Thursday, February 24, 2000 (continued)

A087230 -- In re Justin P., a Person Coming Under the Juvenile Court Law.

The grant of probation is ordered modified to delete, as a condition of probation, payment of a restitution fine for damage relating to the allegations contained in counts 2 through 11 of the amended juvenile petition. In all other respects, we affirm. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A082579 -- Wells Fargo Bank, N.A., as Trustee, etc., v. Max Palevsky et al.; Intergraph Corporation.

We affirm. Parrilli, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

A085071 -- The People v. Jaime Higgins.

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

A086423 -- The People v. Samuel Shawn Phelps.

We have independently reviewed the entire record and find no errors or issues requiring further briefing. The judgment and sentence are affirmed. Walker, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

A085980 -- Gabe Auerbach v. Ronald J. Palmer, et al.

The judgment is affirmed. Respondents shall recover their costs on appeal. Parrilli, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

Thursday, February 24, 2000 (continued)

A084916 -- Local 21 of the International Federation of Professional and Technical Engineers; AFL-CIO, v. Golden Gate Bridge, Highway and Transportation District et al.

We affirm. Walker, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A079118 -- The People v. Mark Frederick Brandt.

We affirm. Walker, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

A085318 -- In re Katrina B., a Person Coming Under the Juvenile Court Law.

The order terminating parental rights is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

Division Four

A080020 -- Credit Lyonnais et al., v. Luba Troyanovsky et al.

The judgment is affirmed. Respondent is to recover her costs on appeal. Hanlon, P.J. We Concur: Poché J., Reardon, J. (Not for Publication.)

A084386 -- East Bay Regional Park District v. Waste Management of Alameda County, Inc.

The order denying the petition to compel arbitration is affirmed. Hanlon, P.J. We Concur: Poché J., Sepulveda, J. (Not for Publication.)

A087356 -- The People v. Billy Ray Collingsworth.

There are no meritorious arguments to be presented on appeal. The judgment is affirmed. Sepulveda, J. We Concur: Poché Acting P.J., Reardon, J. (Not for Publication.)

Thursday, February 24,2000 (continued)

A083286 -- Oscar Braun et al., v. County of San Mateo et al.

The trial court properly concluded that plaintiffs failed to establish that Measure T is invalid on any of the grounds asserted by them. The judgment is affirmed. Sepulveda, J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

Division Five

A087135 -- Derek Bennett v. The Regents of the University of California.

The judgment is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

A083346 -- The People v. Johnny Earl Anderson.

The judgment of conviction is affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

A087596 -- Prem Chand v. City of Hayward.

The judgment of dismissal is affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, February 25, 2000

Division One

A086331 -- Jeffrey Shaw v. Arthur Brothers Construction.

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J.,
Marchiano, J. (Not for Publication.)

A087025 -- The People v. Kellie K. Barnett.

The judgment is affirmed. Marchiano, J. We Concur: Stein, Acting P.J.,
Swager, J. (Not for Publication.)

**A089246 -- In re Darius M., a Person Coming Under the Juvenile Court
Law.**

The challenged orders are supported by substantial evidence. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1021.) The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The section 366.26 hearing is set for March 6, 2000. Therefore, our decision is final in this court immediately.
Marchiano, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

A085967 -- The People v. Daniel Corral.

The judgment is affirmed. Marchiano, J. We Concur: Stein, Acting P.J.,
Swager, J. (Not for Publication.)

Friday, February 25, 2000 (continued)

A087843 -- Sonoma County Sheriff's Office Employees' Association, Inc., v. County of Sonoma.

The judgment denying the petition to compel arbitration is reversed, and the cause is remanded to the trial court. The trial court shall grant the petition to compel arbitration. Appellant shall recover costs on appeal. Strankman, P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

A086870 -- The People v. Theresa Ann Butler.

The judgment is affirmed. Marchiano, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A086848 -- In re Tysha B. and Tyshaun B., Persons Coming Under the Juvenile Court Law.

The jurisdictional findings and dispositional orders are affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

A085219 -- William Hamilton, et al v. Maryland Casualty Company, et al.

For all of the above reasons we conclude that the trial court erred in granting summary judgment to the claimants. We further conclude that summary judgment should have been entered in favor of Maryland. The judgment is reversed, and judgment instead is entered that the claimants take nothing on their complaint against Maryland. Maryland is awarded its appellate costs. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Certified for Publication.)

A089550 -- In re Stephen A., a Person Coming Under the Juvenile Court Law.

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The section 366.26 hearing is set for April 7, 2000. Therefore, our decision is final in this court immediately. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

Friday, February 25, 2000 (continued)

Division Two

A087065 -- The People v. Armando Crespo.

The appeal is dismissed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Division Three

A087078 -- The People v. v. Duval Gibson.

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

A084302 -- Matthew Katz v. Nicholas Clainos et al.

We affirm the trial court's entry of judgment for the defendants upon the sustaining of demurrers without leave to amend. Katz shall pay the defendants' costs of appeal. Walker, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A081382 -- Peter Herman , M.D. v. Medical Board of California.

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A077571 -- Ngoc Hai Thi Pham, an Incompetent Person, etc., v. Workers Compensation Appeals Board, Concorde French Bakery, Inc., et al.

The Board's opinion and order granting petition for reconsideration and decision after reconsideration is vacated. The matter is remanded to the Board to reinstate applicant's correct rate of weekly temporary total disability indemnity of \$434.34 for the duration of her temporary disability to reflect her actual earnings as well as her earning capacity at the time of injury, consistent with this opinion. Parties will bear their own costs on appeal. Walker, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Certified for Publication.)

Friday, February 25, 2000 (continued)

A084841 -- Ah Beng Yeo et al., v. Stephen B. Turner.

The judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

A084317 -- United Mortgage & Loan Investment Corp., v. David Lee McKeever, et al.

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A083711 -- The People v. William B. Castillo.

The clerk of the superior court is ordered to amend the abstract of judgment to show that the one year prior prison term enhancements are pursuant to section 667.5, subdivision (b) (not section 667, subdivision (b)). In all other respects, the judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Division Four

A087482 -- The People v. Lorne Llorens.

Judgment affirmed. Reardon, J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

A087606 -- In re Adan M., a Person Coming Under the Juvenile Court Law.

The commitment order is affirmed. Reardon, J. We Concur: Poché Acting P.J., Sepulveda, J. (Not for Publication.)

Friday, February 25, 2000 (continued)

Division Five

A086420 -- The People v. Timothy Clark Steer.

The judgment is affirmed. Jones, P.J. We Concur: Haning, J., Stevens, J.
(Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, February 28, 2000

Division One

A086804 -- In re Carissa S., Persons Coming Under the Juvenile Court Law.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Marchiano, J. (Not for Publication.)

A084070 -- Conservatorship of the Person and Estate of Joseph Beverly.

Accordingly, the judgment is reversed. Swager, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

A083789 and A084989 -- Shade Foods, Inc., v. Northbrook National Insurance Company et al.

The judgment and orders subject to appeal are reversed. Costs on appeal are awarded to Northbrook. Swager, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

Monday, February 28, 2000 (continued)

A080316 -- Shade Foods, Inc., v. Innovative Products Sales & Marketing, Inc., Royal Insurance Company of America, Northbrook National Insurance Company.

We reverse the portion of the judgment for punitive damages against Northbrook in the amounts of \$2 million and \$3 million and the judgment against Royal for punitive damages in the amount of \$8 million. We also reverse the portion of the judgment against Northbrook jointly awarding IPS and Shade \$1 million as compensatory damages for liability insurance coverage and the portion of the judgment against Royal awarding Shade \$1,054,419.50 as compensatory damages for liability insurance coverage and remand the case to the trial court for modification of these portions of the judgment in compliance with this opinion. In all other respects the judgment is affirmed. Each side shall bear its own costs on appeal. Swager, J. We Concur: Strankman, P.J., Stein, J. (Certified for Publication.)

Division Two

A088226 -- In re Jaime V., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A089311 -- In re Joanne S., a Person Coming Under the Juvenile Court Law.

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888 [precluding further challenge to order by petitioner in any subsequent appeal].) Since the section 366.26 hearing is presently scheduled for March 3, 2000, our decision is immediately final as to this court. (Cal.Rules of Court, rule 24(d).) Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Monday February 28, 2000 (continued)

Division Three

A087035 -- In re Edward C., a Person Coming Under the Juvenile Court Law.

The trial court's jurisdictional finding that the minor committed a robbery and the ensuing dispositional order are affirmed. McGuiness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

A086965 -- Robert E. Schieber et al., v. County of Humboldt.

The judgment is reversed. This matter is remanded to the trial court. The trial court is directed to order the Board to reverse its finding that Ellises' use of the Hansen Ranch for a public stable is a valid, nonconforming use under the HCC. Appellants shall recover their costs on appeal. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A085166 -- Mary Lou Fasmer v. P & S Sales, Inc., et al; Frances A. Headley.

The judgment is affirmed. Appellant to bear costs on appeal. McGuiness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

A085672 -- Transworld Systems, Inc., v. County of Sonoma.

The judgment is reversed, and the matter is remanded with directions to enter summary judgment for appellant Transworld Systems, Inc. Appellant shall recover its costs on appeal. Corrigan, J. We Concur: McGuiness, P.J., Walker, J. (Certified for Publication.)

A088342 -- In re Roberto M., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

Monday February 28, 2000 (continued)

A085262 -- In re Haki M., a Person Coming Under the Juvenile Court Law.

The order of the juvenile court is affirmed. Corrigan, J. We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

A084096 -- The People v. Donald Ray Cavaness.

The judgment is affirmed. Walker, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

A084825 -- Ora D. Sanders v. Terry Louis Carter.

The order of the Superior Court is affirmed. Corrigan, Acting P.J., Parrilli, J., and Walker, J. (Not for Publication.)

Monday February 28, 2000 (continued)

Division Five

A089487 -- In re Christina S. et al., Persons Coming Under the Juvenile Court Law.

The petition for extraordinary writ and request for stay are denied. Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

A083514 -- Ph II, Inc., v. William C. Ibershoff et al.

A085331 -- Phi II, Inc., v. William C. Ibershoff et al.

The judgment is affirmed. Each party is to bear its own costs on appeal. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

A087393 -- The People v. Christopher Sean Willson.

The judgment is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

A085177 -- Michael Schmier v. The Supreme Court of California et al.

The judgment of dismissal is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Certified for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday February 29, 2000

Division One

A084897 -- Paula Ruisi v. Charles Christopher Thieriot.

The attorneys fees order is affirmed. Marchiano, J. We Concur:
Strankman, P.J., Swager, J. (Not for Publication.)

A085734 -- The People v. Sandra Brown.

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J.,
Marchiano, J. (Not for Publication.)

**A085197 -- Rivendell II, Ltd., a California Limited Partnership., v. Carl
Holvick Company.**

The judgment of dismissal is affirmed. Marchiano, J. We Concur:
Strankman, P.J., Stein, J. (Not for Publication.)

Division Two

**A089265 -- Jeff Armstrong v. City of Oakland Housing, Residential
Rent and Relocation Board; Tenants at 527 & 529 Mira Vista etc., R.P.I.**

The appeal is dismissed. Lambden, J. We Concur: Haerle, Acting P.J.,
Ruvolo, J. (Not for Publication.)

Tuesday February 29, 2000 (continued)

Division Three

A087861 -- Supercom, Inc., v. Wavenet, Inc.

The appeal is dismissed. McGuiness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

A086160 -- The People v. James Ray Kinslow.

The judgment is reversed and the matter is remanded for resentencing. In the event the trial court is unable to fashion an authorized sentence consistent with the indicated sentence contained in the plea agreement, it may set the pleas aside, reinstate the dismissed charges, and proceed accordingly. Alternatively, in the exercise of its discretion, the trial court may elect to approve the terms and conditions of any new plea agreement the parties choose to negotiate, so long as that agreement provides for an authorized sentence. McGuiness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

A088322 -- In re Larico R., a Person Coming Under the Juvenile Court Law.

In sum, we see no arguable issues for review pursuant to *People v. Wende*, *supra*, 25 Cal.3d 436. The judgment is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

A087693 -- The People v. Jack Simmons Uribe.

The judgment and sentence imposed are affirmed. McGuiness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

A085567 -- Thomas F. McClosky et al., v. James B. McCloskey et al.

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Tuesday, February 29, 2000 (continued)

A089748 -- Latasha H., v. The Superior Court for the County of Alameda; Social Services Agency et al, R.P.I.

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The request for stay of the section 366.26 hearing, which is set for April 7, 2000, is denied. Our decision is immediately final as to this court. (Cal Rules of Court, rule 24(d).) Corrigan, Acting P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

Division Four

A085054 -- The People v. Cesar Raymond Castillo.

The judgment is affirmed. Reardon, J. We Concur: Poché Acting P.J., Sepulveda, J. (Not for Publication.)

A086942 -- The People v. Lamont Candate.

Accordingly, we will direct as follows: the sentence on count 2 (Veh. Code, § 10851) is vacated and remanded. Unless one of the parties hereto files a written request for resentencing within 30 days after this court issues its remittitur, the trial court shall modify the sentence on count 2 forthwith to provide for a concurrent term of 2 years imprisonment, stayed pursuant to Penal Code section 654. In all other respects the judgment is affirmed. Sepulveda, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

A087386 -- The People v. Jaime Gutierrez Nicolas.

The trial court properly concluded that the search warrant was supported by probable cause. The judgment is affirmed. Sepulveda, J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

Tuesday, February 29, 2000 (continued)

Division Five

A086396/A087166 -- George Herron v. City and County of San Francisco.

The judgment of the trial court is reversed, and the trial court's order awarding attorney fees is vacated. The City is awarded its costs on appeal. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)